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CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE 10/073,641 02/11/2002 Mark T. Girard AKJ0005/US/4 9070 **EXAMINER** 33072 7590 10/22/2003 KAGAN BINDER, PLLC NORRIS, JEREMY C SUITE 200, MAPLE ISLAND BUILDING PAPER NUMBER ART UNIT 221 MAIN STREET NORTH STILLWATER, MN 55082 2827

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. Applicant(s) GirkARD ET AL.	1				
## Examiner Jersmy C, Nornis 2827 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Peri d for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of limit may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled. If the provision of the cover sheet with the statutory minimum of thiny (30) days will be considered limitly. If the profit of reply specified above, the maximum statutory provided will apply and will copier SIX (8) MONTHS from the making date of this communication. False to lawly within the sate centered private for reply will 15 statutory provided will apply and will copier SIX (8) MONTHS from the making date of this communication. False to lawly within the sate centered private for reply will 15 statutory provided will apply and will copier SIX (8) MONTHS from the making date of this communication. Even ## times y filled, may reduce any certained parties for reply will provided in a provided parties. **Palse to lawly within the sate certained private for reply will y statutor be making date of this communication, even ## times y filled, may reduce any certained parties. **Palse to lawly within the sate certained private for reply will y statutor. **IND period for reply specified above, the maximum statutory private for the communication. **Palse to law yield the provided above, the making date of this communication.** **Palse to law yield the provided above, the making date of this communication.** **Palse to law yield above the making date of this communication.** **Palse to law yield above the making date of this communication.** **Palse to law yield above the making above the making the provided palse above the provided palse		Application	on No.	Applicant(s)	
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·	application from the International Bureau (PCT Rule 17.2(a)).				
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
a) ☐ The translation of the foreign language provisional application has been received. 15) ☑ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.					
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (P		5) Notice of Informal		

Application/Control Number: 10/073,641 Page 2

Art Unit: 2827

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- i) the species of figures 8A & 8B
- ii) the species of figure 9
- iii) the species of figures 10A & 10B
- iv) the species of figure 11
- v) the species of figures 12A & 12B,
- vi) the species of figures 13A & 13B,
- vii) the species of figures 14 and 15A-15E,
- viii) the species of figure 16.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Mr. Kevin Hubbard on 16 October 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Norris whose telephone number is 703-306-5737. The examiner can normally be reached on Tuesday - Friday, 10am - 7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 703-308-1233. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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